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**UNITED STATES DISTRICT COURT IN AND FOR
THE WESTERN DISTRICT OF WASHINGTON IN SEATTLE**

DONNITTA SINCLAIR, mother of
deceased HORACE LORENZO
ANDERSON, JR., individually,

Plaintiff,

Vs.

CITY OF SEATTLE, a municipality,

Defendant.

No. 2:21-cv-00571

FIRST AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff, through her attorneys at Herrmann Law Group, hereby alleges as follows:

I. SYNOPSIS

1. Plaintiff Donnitta Sinclair seeks damages arising from the intentional and negligent conduct of the City of Seattle ("the City"), which resulted in the death of her 19-year-old son, Horace Lorenzo Anderson, Jr.

2. On or about June 8, 2020, the City abruptly abandoned the East Precinct of the Seattle Police Department ("SPD") in Capitol Hill.

3. This decision by the City was well publicized and invited lawlessness and created a foreseeable danger.

4. Protestors used barriers left behind by police to create a "no-cop" zone in an area known as the Capitol Hill Organized Protest or "CHOP."

1 15. A tort claim was filed with the City more than 60 days ago and satisfies the
2 requirements of R.C.W. 42.92.100 regarding any causes of action under Washington
3 State statutes.

4 **IV. FACTS ALLEGED**

5 16. After the City abandoned SPD's East Precinct on or about June 8, 2020,
6 CHOP participants essentially seized a roughly sixteen-block area of Capitol Hill,
7 including Cal Anderson Park.

8 17. SPD left behind barricades when they surrendered the area. CHOP
9 participants used these barriers to block off streets from general traffic.

10 18. Local business owners and others observed CHOP participants carrying
11 guns on public streets and in Cal Anderson Park at all hours.

12 19. Cal Anderson Park was turned into a massive tent city for CHOP
13 participants and the general public was not allowed to use the park.

14 20. The City enabled CHOP by providing portable toilets, lighting, and other
15 support, including modifying protocols of SPD and SFD.

16 21. The City had no effective plan for providing police protection, fire
17 protection, or other emergency services into the surrendered area.

18 22. Violence, vandalism, open drug use, and a collection of other crimes
19 predictably proliferated in CHOP.

20 23. Local business owners were threatened with retaliation if they attempted
21 to paint over ubiquitous graffiti.

22 24. SPD adopted a policy and practice of not entering the area except in the
23 case of life-threatening crimes, and sometimes not even then. CHOP became known as
24 a "no-cop" zone.

25 25. After SPD and the City deserted the area, CHOP participants created a
26 "medical tent" in an outdoor area of the Rancho Bravo restaurant on Pine Street just
27 outside Cal Anderson Park.

1 26. On June 11, SPD Chief Carmen Best (“Police Chief”) publicly admitted,
2 while standing beside the Mayor, “In the first day of SPD not having access to the
3 precinct, response times for crimes in progress were over 15 minutes, about three times
4 as long as the average ...”

5 27. The same day, the Mayor spun CHOP as “a summer of love” and “block
6 party” in an interview with CNN, implying it was fun and safe.

7 28. City Council Member Kshama Sawant publicly and recklessly framed
8 CHOP as a “peaceful” occupation even after it became violent.

9 29. On or about June 20, Lorenzo Anderson visited CHOP. That same night,
10 Marcel Long visited CHOP. Anderson and Long apparently had a history of antagonism.

11 30. Long and others he was with correctly believed CHOP to be a “no-cop”
12 zone. Long was armed with a handgun.

13 31. Video from a local business shows Long talking to Anderson. When Long
14 pulls a gun, Anderson turns and walks quickly away. Long is momentarily held back by
15 others, but breaks away to run after Anderson. Long catches up to Anderson and shoots
16 him at least four times at approximately 2:19 am.

17 32. With no assistance in sight from SPD or SFD, CHOP participants carried
18 Anderson to the nearby Rancho Bravo “medical tent” on East Pine Street. He apparently
19 had a pulse when they laid him down on a table.

20 33. An SFD Medic One ambulance was standing by about a block and a half
21 away from where Anderson lay bleeding.

22 34. Video circulating on social media shows a man imploring the medics to
23 help Anderson. “You could be saving his life. You could be saving his life right now. Sir,
24 please, explain to me what’s going on. He’s dying. He needs your help....”

25 35. One of the medical responders says into his radio, “We have a number of
26 citizens who want us into the location. I just want to make sure we’re not cleared to move
27 into the location.”
28

1 36. Medic One was apparently waiting for a green light from SPD, but SPD
2 was confused about the location of SFD and medics. Miscommunication between the
3 two agencies caused a delay of approximately 20 minutes.

4 37. At about 2:35 am, with still no assistance in sight, Anderson was loaded
5 into a civilian pick-up truck by CHOP volunteers. "We saw red lights from the fire
6 department up on Broadway and then, after some time, it became pretty clear the medics
7 weren't coming in," said a CHOP volunteer.

8 38. At about 2:45 am, Anderson arrived at Harborview. He was pronounced
9 dead at 2:53 am.

10 39. Anderson is survived by his mother, the Plaintiff, and his father.

11 40. The Police Chief and other city agents made public statements claiming
12 CHOP participants prevented fire and police from rescuing Anderson. Evidence shows
13 otherwise. In fact, CHOP participants were begging City personnel to enter and help
14 Anderson.

15 41. When police finally entered CHOP, approximately 20 minutes after the
16 shooting, videos show they were met with cries of "the victim is gone" and "they took him
17 to the hospital." SPD's delayed response appears to be the primary source of the crowd's
18 hostility.

19 42. Long was charged with Murder in the First Degree by the King County
20 Prosecutor's Office. He is still at large.

21 43. On or about June 29, there was another shooting in CHOP. A 16-year-old
22 boy was killed, and a 14-year-old was seriously wounded.

23 44. During nine days in CHOP, there were two homicides and several
24 shootings, as well as other crimes such as robbery and sexual assault. In the six months
25 before CHOP, there were no homicides in the area. In 2019, there were three homicides
26 in the entire Capitol Hill neighborhood.

27 45. After the second CHOP homicide, the Police Chief said, "...unfortunate that
28 we have yet another murder in this area identified as CHOP.... And we've had multiple

1 other incidents – assaults, rape, robbery, and shootings.... So this is a real problem. And
2 I would question why we could continue to allow this to happen.”

3 46. The Police Chief denied giving the order to desert SPD’s East Precinct.
4 The Mayor also appeared to deny giving the order. Someone in City leadership gave the
5 order and numerous City officials allowed, enabled, ratified, and even encouraged CHOP
6 to continue despite the foreseeable danger and resulting violence.

7 47. On June 24, business owners in the CHOP filed a lawsuit against the City
8 for this “unprecedented decision to abandon and close off an entire city neighborhood,
9 leaving it unchecked by the police, unserved by fire and emergency health services ...”
10 *Hunters Cap. LLC v. City of Seattle*, No. C20-983 TSZ, 2020 WL 6120008 (W.D. Wash.
11 Oct. 16, 2020)

12 48. On July 1, the Mayor issued an executive order to retake the SPD precinct
13 and CHOP. In the process, there was no significant violence or serious resistance. This
14 confirms what common sense suggests: the City could have and should have retaken
15 the area and restored public safety before the murder of Anderson.

16 49. The Mayor’s text messages on her city-issued work phone have reportedly
17 disappeared for a ten-month period, from August of 2019 to June 25, 2020. Text
18 messages of other city officials, including the Police Chief and Fire Chief, are also
19 reported missing from the same period.

20 50. Plaintiff has requested and is still seeking text messages of the Mayor and
21 other city officials during CHOP time period. These messages are almost certain to
22 contain relevant evidence and will likely support Plaintiff’s allegations.

23 V. RESERVATION

24 51. The investigation remains ongoing. Discovery may reveal additional
25 causes of action against or establish that other, so far unnamed, persons or entities
26 may also have been at fault.

27 52. Further, the exact nature and full extent of injuries and damages are
28 unknown and there may be additional claims and/or causes of action.

53. To the extent the rules and this Court will allow, Plaintiff reserves the right to subsequently amend this complaint accordingly.

VI. ALL CAUSES OF ACTION

54. All facts alleged in every paragraph above are incorporated into every cause of action alleged hereinafter as though they were fully set forth.

55. The City is responsible for its own policy or customs, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, which caused the injuries described herein.

56. Actions of City employees were ratified by City officers, including the Police Chief and the Mayor.

57. Actions of the defendant constituting every cause of action below proximately caused damages suffered by this Plaintiff as described below.

58. The defendant's actions and failures amounted to deliberate indifference to federally protected rights. Therefore, Plaintiff is entitled to punitive damages.

59. Under 42 USC §1988, Plaintiff is also entitled to attorney fees.

VII. FIRST CAUSE OF ACTION

14th Amendment Due Process and Parental Rights Violated

60. This action is brought by Donnitta Sinclair in her individual capacity as mother of the decedent.

61. The City's affirmative acts and failures to act, including abandoning the SPD East Precinct and CHOP, created a danger.

62. The City's acts and failures to act, including a policy where police only responded to "life-threatening" crimes in CHOP, and sometimes not even then, created a lawless "no-cop" zone.

63. Violence was foreseeable when the City abandoned police, fire, and other essential services in CHOP.

64. City officials, including the Mayor and Police Chief, knew of this City-created danger. City officials demonstrated deliberate indifference.

- Compensatory damages;
- Pursuant to 42 USC §1983, punitive damages;
- Pre-judgment and post-judgment interest;
- Pursuant to 42 USC §1988, attorneys' fees and costs; and,
- Such other relief as the Court deems just and equitable.

X. DEMAND FOR JURY TRIAL

76. Plaintiffs demand trial by jury on all issues.

Dated this 12th day of July, 2021.

HERRMANN LAW GROUP

/s/ Mark Lindquist

Mark Lindquist (WA #25076)
Attorney for Plaintiff